

## HOUSE BILL NO. 228

INTRODUCED BY D. FUCHS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING NONRESIDENT TROPHY TROUT WATER ANGLING PERMITS THAT WOULD BE REQUIRED OF A NONRESIDENT WHO WISHES TO FISH IN WATERS FOR WHICH A RECREATIONAL USE MANAGEMENT PLAN HAS BEEN ADOPTED BY THE FISH, WILDLIFE, AND PARKS COMMISSION; SETTING THE TERMS AND CONDITIONS OF NONRESIDENT TROPHY TROUT WATER ANGLING PERMITS AND REQUIRING THAT THE PERMITS BE OFFERED THROUGH A DRAWING; ALLOWING THE FISH, WILDLIFE, AND PARKS COMMISSION TO REGULATE THE NUMBER OF NONRESIDENT TROPHY TROUT WATER ANGLING PERMITS THAT MAY BE ISSUED IN ANY LICENSE YEAR AND TO LIMIT NONRESIDENT ANGLING USE DURING ALL OR PART OF A LICENSE YEAR; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Nonresident trophy trout water angling permit on waters affected by recreational use management plan.** (1) When the commission develops and implements a recreational use management plan for a Montana river, stream, or lake that meets the criteria of subsection (2), the commission may limit the number of nonresident anglers allowed on the river, stream, or lake through issuance of a nonresident trophy trout water angling permit, as provided in [section 2]. Waters for which a recreational use management plan have been developed and implemented are designated as trophy trout waters, subject to the restrictions and conditions in [section 2] and this section. The commission may limit nonresident angling on trophy trout waters during all or part of a license year.

(2) Before a nonresident trophy trout water angling permit may be required on a particular river, stream, or lake, the recreational use management plan developed for that river, stream, or lake must include documentation of the need for limits on angling use on the designated waters during some part of a license year, based on social issues, such as overcrowding or conflicts between river users, or on the impact of angler use on the fishery resource.

(3) The commission shall adopt rules necessary to implement the provisions of [section 2] and this section.

1

2        NEW SECTION. **Section 2. Nonresident trophy trout water angling permit -- terms and conditions.**

3        (1) A person who is not a resident, as defined in 87-2-102, and who is 12 years of age or older or who  
4        will turn 12 years of age before or during the season for which the license is issued may apply for an  
5        annual nonresident trophy trout water angling permit that allows that person to fish with hook and line in  
6        Montana trophy trout waters during times and pursuant to conditions adopted pursuant to commission rule  
7        and as authorized by applicable regulations of the department.

8        (2) The fee for a nonresident trophy trout water angling permit must be set by commission rule  
9        and is supplemental to any other required nonresident fishing license fees.

10        (3) Following public notice and public hearing, the commission may limit the total number of  
11        nonresident trophy trout water angling permits that may be issued for use on any Montana river, stream,  
12        or lake, based on the recreational use management plan developed and implemented for that river, stream,  
13        or lake.

14        (4) Nonresident trophy trout water angling permits must be issued through a drawing. The  
15        commission may provide by rule for a group of applicants to participate in the drawing under one  
16        application. The rules must require that each member of a successful group obtain a nonresident trophy  
17        trout water angling permit.

18        (5) A nonresident trophy trout water angling permit may not be reserved for the client of a  
19        licensed outfitter.

20

21        NEW SECTION. **Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified  
22        as an integral part of Title 87, chapter 2, part 3, and the provisions of Title 87, chapter 2, part 3, apply  
23        to [sections 1 and 2].

24

25        NEW SECTION. **Section 4. Effective date.** [This act] is effective March 1, 2002.

26

- END -